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812-0474

April 20, 1998

BY HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Advanced Television Systems and Their Impact
Upon the Existing Television Broadcast Service
MM Docket No. 87-268

Dear Ms. Salas:

Transmitted herewith on behalf of Pappas Telecasting of America, A California Limited Partnership, are an original and four copies of its "Petition for Reconsideration," which is being filed in response to the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting
Counsel for Pappas Telecasting of America,
A California Limited Partnership

Enclosures

cc (w/ encl.): Certificate of Service (by hand & first-class mail)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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APR 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the Existing) MM Docket No. 87-268
Television Broadcast Service)

To: The Commission

PETITION FOR RECONSIDERATION

Pappas Telecasting of America, A California Limited Partnership ("Pappas"), by its counsel, hereby seeks reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998) ("MO&O"), in the above-captioned proceeding. In support of this petition, the following is stated:

I. Background

On July 22, 1996, Pappas filed an application for a new television station to operate on Channel 48 at Owensboro, Kentucky (File No. BPCT-960722KL). A mutually-exclusive application was filed for the same facility on September 20, 1996, by South Central Communications Corporation ("SCCC") (File No. BPCT-960920IV).¹ On January 30, 1998, Pappas and SCCC filed a "Joint Request for Approval of Universal Settlement," proposing the dismissal of SCCC's

¹ SCCC previously filed a petition for reconsideration of the Commission's *Sixth Report and Order* in this proceeding on June 13, 1997, requesting, *inter alia*, that the DTV allotment for Station WKGB-TV, Bowling Green, Kentucky, be changed from Channel 48 to Channel 3 in order to protect SCCC's pending application for the Owensboro facility. SCCC's petition was denied by the Commission. See *MO&O* at ¶¶625-627.

application and grant of Pappas' application for the Channel 48 facility at Owensboro. The parties' settlement proposal currently remains pending.

II. The FCC Failed to Protect the Pending NTSC Applications of Pappas and SCCC.

In its *Sixth Report and Order* in this proceeding, 12 FCC Rcd 14588 (1997), the Commission noted its earlier statement in the *Sixth Further Notice of Proposed Rulemaking* that it would not accept additional applications for new NTSC stations that were filed after September 20, 1996.² The Commission also noted, however, that it would continue to process applications already on file and those that were filed on or before September 20, 1996, because the Commission did not believe that these applications would have a "significant negative impact" on the development of the DTV Table of Allotments. *Sixth Report and Order*, 12 FCC Rcd at 14635, ¶104.

In its recent *MO&O*, the Commission repeatedly confirmed that it fully intended to protect pending NTSC applications filed by September 20, 1996. *See, e.g., MO&O* at ¶¶571, 575, 608, 627. Nevertheless, the DTV Table set forth in the *MO&O* fails to protect Pappas' and SCCC's pending applications for the Channel 48 facility at Owensboro.³ The applications of both Pappas and SCCC were filed on or before the September 20, 1996, deadline, and long before the Commission issued

² *See Sixth Further Notice of Proposed Rulemaking*, 11 FCC Rcd 10968, 10992 ¶60 (1996) ("*Sixth Further Notice*"). Specifically, the Commission stated that it would not accept additional applications for NTSC stations that were filed after 30 days from the publication of the *Sixth Further Notice* in the Federal Register. A summary of the *Sixth Further Notice* was published in the Federal Register on August 21, 1996. *See* 61 Fed.Reg. 43209 (1996).

³ In acting on SCCC's reconsideration petition, the Commission found that because SCCC's application was subject to the Commission's order in *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, RM-5811, 1987 FCC LEXIS 3477 (July 17, 1987), 52 Fed.Reg. 28346 (1987) ("Freeze Order"), and the applicant's request for waiver of the Freeze Order had not been acted upon, SCCC's filing was not a "pending application." *MO&O* at ¶627.

its *Sixth Report and Order* on April 21, 1997. In its *Sixth Further Notice*, the Commission noted that there were more than 300 applications then on file which, if processed, would result in more than 100 new NTSC stations. *Sixth Further Notice*, 11 FCC Rcd at 10992, ¶60. The Commission further stated:

As we process the applications on file now and those that are filed before the end of this filing opportunity, we will continue our current policy of considering requests for waiver of our 1987 freeze Order on a case-by-case basis.

Id. (emphasis added).⁴ The Commission provided no notice, however, that, with respect to these pending applications for new television stations, it had no intention of acting on requests for waiver of the 1987 Freeze Order, but, instead, was merely going to treat applications containing such a waiver request as if they had never been filed.⁵ The Commission also failed to provide any notice that an application would be considered to be “pending” only if it had been formally “accepted for filing,” or if the application did not include a request for waiver of the 1987 Freeze Order. Indeed, rather than “considering requests for waiver of the 1987 Freeze Order on a case-by-case basis,” as the Commission stated it would in its *Sixth Further Notice* (and as the Commission claimed to have done in its *Sixth Report and Order*), the Commission simply disregarded all applications that contained a request for waiver of the 1987 Freeze Order in establishing the DTV Table, and treated

⁴ The Commission reiterated this statement in its *Sixth Report and Order* at ¶104.

⁵ After conducting a comprehensive review of the FCC’s engineering database with respect to those television applications that were filed either on or shortly before the September 20, 1996, filing deadline, and the cut-off lists that have been issued since the release of the *Sixth Further Notice*, Pappas has been unable to find even one instance where the Commission processed such an application and “considered” a request for waiver of the 1987 Freeze Order.

such applications as if they had never been filed.⁶ Therefore, for this reason alone, the DTV Table contained in the *Sixth Report and Order* should be revised to accommodate Pappas' pending application for the NTSC Channel 48 facility at Owensboro, Kentucky.

III. The FCC Should Substitute DTV Channel 47 for Channel 48 at Bowling Green, Kentucky, or, Alternatively, Substitute NTSC Channel 47 for Channel 48 at Owensboro.

In this case, the NTSC allotment of Channel 48 at Owensboro is short-spaced to a co-channel DTV allotment for Station WKGB-TV, Bowling Green, Kentucky. Assuming, *arguendo*, the Commission should determine that its failure to consider Pappas' request for waiver of the 1987 Freeze Order does not constitute a sufficient basis for granting reconsideration with respect to Pappas' pending NTSC application, the Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments. In order to accommodate Pappas' pending NTSC application for Channel 48 at Owensboro, Pappas respectfully requests that the Commission consider changing the DTV allotment for Station WKGB-TV, Bowling Green, from Channel 48 to Channel 47. As demonstrated in the attached engineering materials, the substitution of DTV Channel 47 at Bowling Green would result in a 100% replication of service area and population for Station WKGB-TV, and would cause only negligible interference to other DTV or NTSC facilities (less than 0.05%).

Alternatively, in the event the Commission should find that the proposed substitution of DTV Channel 47 for Channel 48 at Bowling Green is not feasible, Pappas respectfully requests that the

⁶ The Commission repeatedly stated throughout its *MO&O* that applications containing such waivers had not been accepted, no action had been taken on the waiver request, and that the subject channel was used for DTV purposes. See, e.g., *MO&O* at ¶¶608, 627; see also ¶575.

Commission direct Pappas and SCCC, the only applicants for the Channel 48 facility in Owensboro, to amend their respective applications to specify operation on NTSC Channel 47 in lieu of Channel 48.⁷ As shown in the attached engineering materials, the substitution of NTSC Channel 47 for the existing Channel 48 allotment at Owensboro would result in only negligible interference to other DTV or NTSC facilities (less than 0.2%), and would not conflict with any DTV allotment.

The proposed substitution of DTV Channel 47 for Channel 48 at Bowling Green, or, alternatively, directing the Owensboro applicants to amend their respective NTSC applications to specify operation on Channel 47, would effectuate the Commission's pronouncements in its *Sixth Further Notice* and *Sixth Report and Order* that it would protect those pending NTSC applications which were filed prior to the September 20, 1996, deadline.

IV. The Proposed Substitution of DTV Channel 47 at Bowling Green, or, Alternatively, NTSC Channel 47 at Owensboro, Would Provide Substantial Public Interest Benefits.

In this case, directing Pappas and SCCC to amend their respective applications to specify Channel 47 in lieu of Channel 48 would not result in any change to the DTV Table, and, at the same time, would provide the community of Owensboro with its first local television service, which would promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various states and communities. 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing

⁷ Pappas notes that, due to the adjacent channel relationship between Channels 47 and 48, the Channel 47 allotment at Owensboro would be mutually exclusive with that of Channel 48, and, therefore, no other parties should be permitted to apply for the Channel 47 facility. Moreover, in light of the pending settlement proposal, it would be necessary for only the prevailing applicant, Pappas, to amend its application to specify operation on the available alternative NTSC channel.

goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment would promote the second television allotment priority established in the *Sixth Report and Order* in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station.

Furthermore, the substitution of NTSC Channel 47 for Channel 48 at Owensboro would serve the public interest by promoting the emergence and development of new networks.⁸ As far back as 1941, when the Commission adopted its Chain Broadcasting Rules,⁹ a primary goal of the Commission was to remove barriers that would inhibit the development of new networks. The Commission explained that the Chain Broadcasting Rules were intended to "foster and strengthen

⁸ Pappas's application for the Owensboro facility was filed in tandem with a series of other applications which, together, cover many of the top 100 markets in which there are no full power television stations to primarily affiliate with The WB Television Network ("The WB"), with whom these respective applicants have existing affiliations. Although there is no commitment on the part of either the applicants or The WB to enter into an affiliation agreement, The WB has indicated a willingness to enter into an affiliation agreement with these applicants in the event they are successful in acquiring a station in their respective communities. It should be made clear, however, that the public interest benefit of promoting an emerging network will be achieved regardless of which applicant ultimately acquires the construction permit. The important element is that the NTSC allotment be preserved and that the station become operational and available for affiliation. By the same token, the public interest benefit of promoting emerging networks is served regardless of whether it is The WB or some other new network that gains a primary affiliate in a top 100 market.

⁹ See *Report on Chain Broadcasting*, Commission Order No. 37, Docket 5060 (May 1941) at 88 ("*Report on Chain Broadcasting*"); *Amendment of Part 73 of the Commission's Rules and Regulations with Respect to Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d 318, 333 (1970); *Fox Broadcasting Co. Request for Temporary Waiver of Certain Provisions of 47 C.F.R. §73.658*, 5 FCC Rcd 3211, 3211 n.9 (1990), (citing, Network Inquiry Special Staff, *New Television Networks: Entry, Jurisdiction, Ownership, and Regulation* (Vol. 1 Oct. 1980)), waiver extended, 6 FCC Rcd 2622 (1991).

broadcasting by opening up the field to competition. An open door to networks will stimulate the old and encourage the new.” *Report on Chain Broadcasting* at 88.

The successful emergence of new networks, however, depends in large part upon their ability to attract and retain local affiliates, which is the life blood of any national network. Moreover, for emerging networks, it is critical that they be afforded the opportunity to compete for affiliates as quickly as possible. Indeed, the large financial losses that confront any national network in its initial years of operation can be stemmed only by obtaining additional affiliates to carry the emerging network’s programming. In many markets, however, there simply are not enough stations to provide affiliates for emerging networks in addition to those of the more established networks. Thus, the Commission should make the requested change in the DTV Table which, by permitting an additional broadcast station to serve the Evansville, Indiana television market, will help promote emerging networks.

Although the Commission has noted that it is not its function to assure competitive equality in any given market, it has acknowledged its “duty at least to take such actions as will create greater opportunities for more effective competition among the networks in major markets.”¹⁰ The history of the Commission’s financial interest and syndication (“finsyn”) rules provides a good illustration of how the Commission has remained steadfast in its commitment to the goal of nurturing new

¹⁰ See, e.g., *Television Broadcasters, Inc.*, 4 RR 2d 119, 123 (1965) (Commission granted a short-spacing waiver to an ABC affiliate based largely upon its finding that the station had inferior facilities compared to those available to other national networks in the market, which resulted in a “serious competitive imbalance”), *recon. granted in part on other grounds*, 5 RR 2d 155 (1965); *New Orleans Television Corp.*, 23 RR 1113 (1962) (short-spacing waiver granted for the purpose of assuring the existence of a third truly competitive station in the market, thereby making available competitive facilities to the networks).

networks. In 1970, when the Commission first adopted the finsyn rule, it noted that “[e]ncouragement of the development of additional networks to supplement or compete with existing networks is a desirable object and has long been the policy of this Commission.” *Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d at 333. More than two decades later, when the Commission first relaxed and later eliminated the finsyn rule, it did so at the behest of the then-newest network entrant, Fox.¹¹ The FCC’s goal of fostering new networks also is reflected in the Commission’s relaxation of its multiple ownership rules. See *Amendment of Section 73.3555 of the Commission’s Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations*, 100 FCC 2d 17, 45 (1984) (relaxing restrictions on multiple ownership advances the Commission’s diversity goal by providing alternatives to the three television networks).

The Commission also has crafted other rules and granted a variety of waivers designed to foster the development of new networks over the years. In 1967, for example, the Commission granted a waiver of the dual network rule to ABC, the then-new network entrant, in connection with ABC’s four new specialized radio networks. Although operation of the four networks violated the

¹¹ Pending its review of the finsyn rule, the Commission granted Fox’s request for a limited waiver of the rule. *Fox Broadcasting Co.*, 5 FCC Rcd at 3211 (1990). As Commissioner Duggan explained, “Fox has been a bright and innovative force. The existence of a fourth network is certainly in the public interest. . . . Fox deserves to be encouraged.” *Broadcasting & Cable*, May 7, 1990, ed., p. 28; accord, *Application of Fox Television Stations, Inc. for Renewal of License of Station WNYW-TV, New York, New York*, 10 FCC Rcd 8452, 8528-29 (1995) (Commissioner Quello stating in his concurring statement, “I believe . . . that the creation of the fourth network was a compelling public interest goal.”). Similarly, in deciding to phase out the finsyn rule entirely in 1995, the Commission evaluated the rule’s impact on “[t]he overall business practices of emerging networks, such as Fox, in the network television and syndication business . . . [and t]he growth of additional networks, including the development of Fox and its position vis-à-vis the three major networks.” *Evaluation of Syndication and Financial Interest Rules*, 10 FCC Rcd 12165, 12166 (1995).


dual network rule, the Commission nevertheless concluded that waiver of the rule was appropriate because ABC's proposal "merits encouragement as a new and imaginative approach to networking." *Proposal of American Broadcasting Cos., Inc. to Establish Four New Specialized "American Radio Networks,"* 11 FCC 2d 163, 168 (1967). The Commission explained that it was "of more than usual importance to encourage to the extent possible innovation and experimentation in the operation of networks." *Id.* at 165.

As these examples illustrate, the Commission has remained steadfast in its commitment to the goal of encouraging new networks. Indeed, the Commission has consistently concluded for more than fifty years that the development of new networks -- with the accompanying diversity of viewpoint that they bring -- serves the public interest. In order for emerging networks to survive, however, it is imperative that they be afforded the opportunity to compete for additional local affiliates. The requested change in the DTV Table of Allotments will help facilitate the Commission's longstanding interest in promoting the emergence of new networks by providing an additional broadcast station with which to affiliate in the Evansville market.

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, A California Limited Partnership, respectfully requests that the Commission GRANT reconsideration of its *MO&O* by substituting DTV Channel 47 for Channel 48 at Bowling Green, Kentucky, or, alternatively, direct the pending Owensboro applicants to amend their respective NTSC applications to specify operation on Channel 47.

Respectfully submitted,

PAPPAS TELECASTING OF AMERICA,
A CALIFORNIA LIMITED PARTNERSHIP

By: 

Vincent J. Curtis, Jr.
Andrew S. Kersting

Its Counsel

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April 20, 1998

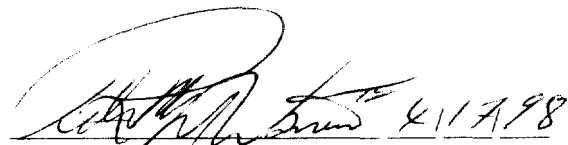
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Engineering Statement
Owensboro, Ky Channel 48
Wes, Inc. Broadcast Consultants

The program used to demonstrate interference and service replication percentages in this study was the OET FLR program, OET Bulletin 69, running on our own Sun Microsystems computers. These computers have been verified to give identical results to the runs generated by OET. The spacing programs are our own proprietary programs utilizing the FCC broadcast database and DTV database.

Due to a digital channel Channel 48 being assigned to Bowling Green, KY 122km away, a study was conducted to propose moving the digital channel 48 to channel 47. The study showed that it would receive a 100% match and would cause negligible interference to any digital or NTSC stations (less than 0.05%).

Should the Commission prefer moving the proposed NTSC channel 48 in Owensboro, KY, the TV channel spacing study shows channel 47 open to such a change. OET FLR study shows negligible interference to any digital or NTSC stations (less than 0.2%). Also, the attached list of digital channels within 300 km shows no conflict with any digital channels.

A handwritten signature in dark ink, appearing to read "Pete E. Myrl Warren, III", followed by the date "4/1/98".

Pete E Myrl Warren, III Date
Whose qualifications are a matter of
record with the Commission

Study not including Owensboro, Channel 47

Run begins Sat Apr 11 22:29:01 1998, host gilwell

Analysis of: 11N TN LEXINGTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	476843	23963.6
not affected by terrain losses	456343	22683.5
lost to NTSC IX	39132	2282.4
lost to additional IX by ATV	0	0.0
lost to all IX	39132	2282.4

Analysis of: 47A TN LEXINGTON

HAAT 195.0 m, ATV ERP 1000.0 kW, Cap Adj 3.1 dB 270.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	476843	23963.6
not affected by terrain losses	474648	23617.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	768	68.4
lost to ATV IX only	768	68.4
lost to all IX	768	68.4
percent match ATV/NTSC	100.0	100.0

Analysis of: 3N KY LOUISVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	3414067	48657.9
not affected by terrain losses	3186535	46036.7
lost to NTSC IX	942227	10875.0
lost to additional IX by ATV	8486	169.1
lost to all IX	950713	11044.1

Analysis of: 47A KY LOUISVILLE

HAAT 555.0 m, ATV ERP 1000.0 kW, Cap Adj 3.8 dB 259.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	3414067	48657.9
not affected by terrain losses	3231286	46221.9
lost to NTSC IX	338543	825.4
lost to additional IX by ATV	9565	257.7
lost to ATV IX only	37531	310.0
lost to all IX	348108	1083.1
percent match ATV/NTSC	99.6	99.6

Analysis of: 46N IL EAST ST. LOUIS

	POPULATION	AREA (sq km)
within Noise Limited Contour	2564988	19304.2
not affected by terrain losses	2561845	19026.3
lost to NTSC IX	0	0.0
lost to additional IX by ATV	43	12.1
lost to all IX	43	12.1

Analysis of: 47A IL EAST ST. LOUIS

HAAT 345.0 m, ATV ERP 186.6 kW, direction 0.0 degrees T, F/B = 14.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	2564988	19304.2
not affected by terrain losses	2563812	19179.3
lost to NTSC IX	365	32.2
lost to additional IX by ATV	79	4.0
lost to ATV IX only	79	4.0
lost to all IX	444	36.2
percent match ATV/NTSC	100.0	100.0

Finished Sat Apr 11 23:06:28; run time 0:32:27

115679 calls to Longley-Rice; path distance increment 1.00 km

Owensboro, KY, moved to NTSC channel 47 with 5MW omni-directional

Run begins Sat Apr 11 23:32:56 1998, host gilwell

Analysis of: 47N KY OWENSBORO

	POPULATION	AREA (sq km)
within Noise Limited Contour	664006	19702.8
not affected by terrain losses	662068	19422.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	34531	1913.4
lost to all IX	34531	1913.4

Analysis of: 69A KY OWENSBORO

HAAT 295.0 m, ATV ERP 259.7 kW, direction 270.0 degrees T, F/B = 0.2 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	664006	19702.8
not affected by terrain losses	663295	19554.7
lost to NTSC IX	8	8.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	8	8.0
percent match ATV/NTSC	100.0	100.0

Analysis of: 11N TN LEXINGTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	476843	23963.6
not affected by terrain losses	456343	22683.5
lost to NTSC IX	39132	2282.4
lost to additional IX by ATV	0	0.0
lost to all IX	39132	2282.4

Analysis of: 47A TN LEXINGTON

HAAT 195.0 m, ATV ERP 1000.0 kW, Cap Adj 3.1 dB 270.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	476843	23963.6
not affected by terrain losses	474648	23617.4
lost to NTSC IX	334	104.7
lost to additional IX by ATV	551	36.2
lost to ATV IX only	768	68.4
lost to all IX	885	140.9
percent match ATV/NTSC	100.0	100.0

Analysis of: 3N KY LOUISVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	3414067	48657.9
not affected by terrain losses	3186535	46036.7
lost to NTSC IX	942227	10875.0
lost to additional IX by ATV	8486	169.1
lost to all IX	950713	11044.1

Analysis of: 47A KY LOUISVILLE

HAAT 555.0 m, ATV ERP 1000.0 kW, Cap Adj 3.8 dB 259.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	3414067	48657.9
not affected by terrain losses	3231286	46221.9
lost to NTSC IX	393453	3390.1
lost to additional IX by ATV	6852	161.1
lost to ATV IX only	37531	310.0
lost to all IX	400305	3551.2
percent match ATV/NTSC	99.4	98.4

Analysis of: 46N IL EAST ST. LOUIS

	POPULATION	AREA (sq km)
within Noise Limited Contour	2564988	19304.2
not affected by terrain losses	2561845	19026.3

lost to NTSC IX	0	0.0
lost to additional IX by ATV	43	12.1
lost to all IX	43	12.1

Analysis of: 47A IL EAST ST. LOUIS

HAAT 345.0 m, ATV ERP 186.6 kW, direction 0.0 degrees T, F/B = 14.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	2564988	19304.2
not affected by terrain losses	2563812	19179.3
lost to NTSC IX	605	64.4
lost to additional IX by ATV	0	0.0
lost to ATV IX only	79	4.0
lost to all IX	605	64.4
percent match ATV/NTSC	100.0	100.0

Finished Sun Apr 12 00:23:21; run time 0:46:11

162121 calls to Longley-Rice; path distance increment 1.00 km

TV CHANNEL SPACING STUDY

Job title: Owensboro, KY

Latitude: 38 1 27

Channel: 47

Longitude: 87 21 43

Database file name: c:\tvsrc\tv980226.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
32-	WLKYTV	3512	LOUISVILLE	KY	2	L	73.5	139.2	119.9	19.3
44o	WEVV	3875	EVANSVILLE	IN	1	L	226.5	22.0	31.4	-9.4
48o	ALLOTM	3877	OWENSBORO	KY	2		142.4	35.8	87.7	-51.9
61+	ALLOTM	3881	OWENSBORO	KY	2		142.4	35.8	95.7	-59.9
48o	NEW	3891	OWENSBORO	KY	2	A	.0	.0	87.7	-87.7
48o	NEW	3892	OWENSBORO	KY	2	A	.0	.0	87.7	-87.7

***** End of channel 47 study *****

Bowling Green with DTV moved to Channel 47

Run begins Sat Apr 4 20:47:17 1998, host gilwell

Analysis of: 53N KY BOWLING GREEN

	POPULATION	AREA (sq km)
within Noise Limited Contour	255002	11933.7
not affected by terrain losses	250064	11645.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Analysis of: 47A KY BOWLING GREEN

HAAT 247.0 m, ATV ERP 50.0 kW, direction 0.0 degrees T, F/B = 0.1 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	255002	11933.7
not affected by terrain losses	254947	11921.7
lost to NTSC IX	0	0.0
lost to additional IX by ATV	2890	40.0
lost to ATV IX only	2890	40.0
lost to all IX	2890	40.0
percent match ATV/NTSC	100.0	100.0

Analysis of: 11N TN LEXINGTON

	POPULATION	AREA (sq km)
within Noise Limited Contour	476843	23963.6
not affected by terrain losses	456343	22683.5
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Analysis of: 47A TN LEXINGTON

HAAT 195.0 m, ATV ERP 1000.0 kW, Cap Adj 3.1 dB 270.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	476843	23963.6
not affected by terrain losses	474648	23617.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	212	32.2
lost to ATV IX only	212	32.2
lost to all IX	212	32.2
percent match ATV/NTSC	100.0	100.0

Analysis of: 8N TN NASHVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1517617	33418.3
not affected by terrain losses	1464358	30697.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Analysis of: 46A TN NASHVILLE

HAAT 390.0 m, ATV ERP 936.5 kW, direction 0.0 degrees T, F/B = 0.2 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1517617	33418.3
not affected by terrain losses	1502279	32320.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	11758	380.6
lost to ATV IX only	11758	380.6
lost to all IX	11758	380.6
percent match ATV/NTSC	99.6	99.3

Analysis of: 40N KY BOWLING GREEN

	POPULATION	AREA (sq km)
within Noise Limited Contour	240303	10645.9
not affected by terrain losses	238307	10457.6

lost to NTSC IX	0	0.0
lost to additional IX by ATV	6	8.0
lost to all IX	6	8.0

Analysis of: 16A KY BOWLING GREEN

HAAT 244.0 m, ATV ERP 50.0 kW, direction 210.0 degrees T, F/B = 14.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	240303	10645.9
not affected by terrain losses	240088	10629.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0
percent match ATV/NTSC	100.0	100.0

Finished Sat Apr 4 20:57:45; run time 0:09:48

51809 calls to Longley-Rice; path distance increment 1.00 km

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C, hereby certify that on this 20th day of April, 1998, copies of the foregoing "Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

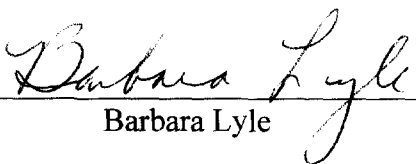
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